

EXHIBIT

J

City of Cincinnati



Department of Buildings & Inspections
Division of Property Maintenance Code Enforcement

Two Centennial Plaza - 805 Central Avenue, Suite 500 - Cincinnati, Ohio 45202 - P (513) 352-3275 - F (513) 564-1708

JOHN JENNAGANS LLC
C/O JOHN KLOSTERMAN
621 DELHI PIKE
CINCINNATI OH 45204

Re: 621 DELHI AV

BPP: 015300010003

NOTICE OF VIOLATION

Case number: B201908304

NOTICE DATE- January 17, 2020

To: JOHN JENNAGANS LLC,

This letter is a notice of violation and order issued pursuant to 1101-61 Cincinnati Building Code (CBC). Each code violation in the attached **violation listing** includes the action necessary to correct the violation. Unless otherwise specified in a violation, you are required to make the noted corrections by February 18, 2020. **Please call 352-4788, between 7:00 to 9:00 a.m., or e-mail: terry.james@cincinnati-oh.gov, to acknowledge receipt of this notice and ask questions.** If I do not hear from you within ten days of the date of this notice, a copy of this notice will be posted on the structure. Failure to correct the noted defects within the time specified could result in civil or criminal enforcement actions. All repairs, except minor repairs and decorating, require permits. Permits may be obtained at 805 Central Avenue, Suite 500, Cincinnati, Ohio 45202.

You have a right to appeal certain orders under Section 1101-83 CBC within 30 days of the date of this notice. Appeals must be filed on the appeal application form; be accompanied with the filing fee; state the grounds for the appeal; and be filed with the Secretary of the Board of Housing Appeals at 805 Central Avenue, Suite 500, Cincinnati, Ohio 45202 (an appeal of an order to vacate a property is filed with the Secretary of the Board of Building Appeals, 805 Central Avenue, Suite 500, Cincinnati, Ohio 45202). Existing painted surfaces disturbed, if any, while performing this work may contain lead. To learn more about lead hazards go to EPA website: <http://epa.gov/lead/pubs/leadinfo.htm#facts>, or contact the Cincinnati Health Department at 357-7420.

The City of Cincinnati has enacted various codes that regulate housing standards and property maintenance throughout the City. Maintaining our homes and properties ensures the availability of decent and safe housing, contributes to an improved quality of life for all residents, and leads to an increase or stabilization of property values. Your cooperation in correcting these violations will assist the City of Cincinnati in maintaining quality housing and property conditions in your neighborhood.

Sincerely,

Terry James

District Inspector

terry.james@cincinnati-oh.gov


E. Cunningham, OBBS Certified Building Official

Cert#310

DocID-CODE6208V



VIOLATION LISTING

NOTE: Contractors hired to complete this work must be registered with the City of Cincinnati. See the City of Cincinnati Website (<http://www.cincinnati-oh.gov/bldginsp/pages/-17928-/>), or call 352-3271, for more information.

January 17, 2020

INSPECTION FEES CHARGED- Notices of Violation issued after July 1, 2018, are subject to inspection fees pursuant to CMC Section 1101-64. Failure to correct the following violations within the time specified in this notice subjects the premises to an escalating quarterly inspection fee for each quarter the premises remains non-compliant. Unpaid fees may be assessed to the property tax bill for the premises and collected along with the biannual property taxes due.

1: VACATE THE BUILDING

Vacate 621 Delhi Ave, as building is unsafe for any occupancy. Building is defective for, but not limited to, these listed defects: the left side, rear framed constructed portion of the building, is in a state of structural failure. Support framing is rotted and collapsing; sills, plates, joists, beams and posts have rotted away and the attempted shoring of these structural members is inadequate, undersized and unapproved. The exterior wall envelope in this building section is incomplete and open to weather and water penetration; floors have sagged, walls have cracked, ceilings have failed and doors and windows are racked and inoperable, leaving required housing conditions compromised and unsafe and below the occupancy standards of CBC 1117 and 1101-65.

You are ordered to vacate the building and keep it vacant until brought into compliance with the applicable provisions of the CBC and restored to a safe and sanitary condition.

CBC SECTION: 1101-65 Vacations and barricades:

The director of buildings and inspections shall be authorized to order any building or portion of any building vacated, or if it is vacant to remain vacated for one or more of the reasons set out below.

1101-65.1.1 Code violations: When a building is occupied, or any work, operation or construction is performed therein or thereon in violation of any of the provisions of this Code.

1101-65.1.2 Unsafe or unsanitary building: When in the opinion of the Director of Buildings and inspections the building is unsafe or unsanitary.

1101-65.1.3 Noncompliance: When the owner, agent, or tenant fails or refuses to comply with any lawful order issued by the director of buildings and inspections.

NOTE: Tenants occupying this dwelling may qualify for relocation assistance and/or help with finding and moving to decent, safe and sanitary housing. Tenants may call #513-352-5291, for further information on assistance currently available.



City of Cincinnati



**Department of Buildings & Inspections
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JOHN JENNAGANS LLC
C/O JOHN KLOSTERMAN
5615 SIDNEY RD
CINCINNATI OH 45238-1857

Re:621 DELHI AV

BPP: 015300010003

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JOHN JENNAGANS LLC
C/O JOHN KLOSTERMAN
5615 SIDNEY RD
CINCINNATI OH 45238-1857

NOTICE DATE- February 25, 2020

CASE NUMBER: B201908304

Re: 621 DELHI AV
BPP: 015300010003

FINAL NOTICE

To: JOHN JENNAGANS LLC ,

On January 17, 2020, a notice containing violations of the Cincinnati Building Code (CBC) concerning the subject property was sent to you as owner of record. The notice of violations stipulated a reasonable time for you to bring the premises into compliance with the provisions of the CBC. As of the last inspection date, this time has elapsed and the District Inspector reports that total compliance with the orders has not been achieved.

This is to notify you that a civil or criminal action will be filed against you after 30 days from the date of this notice, unless the property is brought into compliance with the CBC.

If you know of any reason a civil fine should not be imposed or a criminal case filing should not be initiated, or have questions, **please contact the District Inspector, Terry James at 352-4788 between 7:00 to 9:00 a.m. .**

Sincerely,

Lonnie D. Wise
Area Supervisor

Doc. # CODE6253

B201908304



City of Cincinnati



**Department of Buildings & Inspections
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JOHN JENNAGANS LLC
C/O JOHN KLOSTERMAN
621 DELHI PIKE
CINCINNATI OH 45204

NOTICE DATE- February 25, 2020

CASE NUMBER: B201908304

Re: 621 DELHI AV
BPP: 015300010003

FINAL NOTICE

To: JOHN JENNAGANS LLC ,

On January 17, 2020, a notice containing violations of the Cincinnati Building Code (CBC) concerning the subject property was sent to you as owner of record. The notice of violations stipulated a reasonable time for you to bring the premises into compliance with the provisions of the CBC. As of the last inspection date, this time has elapsed and the District Inspector reports that total compliance with the orders has not been achieved.

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If you know of any reason a civil fine should not be imposed or a criminal case filing should not be initiated, or have questions, **please contact the District Inspector, Terry James at 352-4788 between 7:00 to 9:00 a.m. .**

Sincerely,

Lonnie D. Wise
Area Supervisor



city of
CINCINNATI
BUILDINGS &
INSPECTIONS



PROPERTY MAINTENANCE CODE ENFORCEMENT

Address 621/623 DELHI Apt. No. _____

Date 08-27-20 Time 2pm

I was unable to contact you RE:

☐ Complaint

☐ Permit

☐ Appointment

☒ Orders VACATE

☒ Other BUILDING ORDERED VACANT

PLEASE CONTACT:



Inspector TERRY JAMES

Between 8-9:30am 352-4788

or call 513 352 3275 • 8:00am - 4:30pm

City of Cincinnati



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JOHN JENNAGANS LLC
C/O JOHN KLOSTERMAN
5615 SIDNEY RD
CINCINNATI OH 45238-1857

PERSON CHARGED: JOHN JENNAGANS LLC
Case Number: B201908304

Subject Property: 621 DELHI AV
BPP: 015300010003

NOTICE OF CIVIL OFFENSE AND CIVIL FINE

NOTICE DATE: September 01, 2020

To: JOHN JENNAGANS LLC

This is a notice of civil offense and civil fine. On August 27, 2020 , I inspected the premises located at 621 DELHI AV CINC St: 621 Fl: 1 Unit: 1 , and found that you have not complied with the lawful order(s) of the Director of Buildings and Inspections issued on January 17, 2020 . As of the day and time of my inspection, the following violations identified on the attached **VIOLATION LISTING** had not been corrected.

Pursuant to Section 1501-9 of the Cincinnati Municipal Code, a violation of the Cincinnati Building Code is a Class D civil offense. The fine for a Class D offense is \$750.00. You must either pay the fine or file an answer to this notice within 168 hours or the fine will double. Please see the enclosed brochure with instructions for payment, filing an answer, and requesting a hearing. **Please include the enclosed Payment and Hearing Request Sheet with your payment or request for a hearing.**

If you correct all of the Code violations by the date of the hearing, the fine will be reduced by 50%. If you correct the violations before the hearing, please call 352-4788, or e-mail terry.james@cincinnati-oh.gov , to arrange for reinspection. Failure to appear at a requested hearing will be considered an admission of the civil offense. All available collection remedies and costs of collection will be pursued in the event the civil fine and delinquent charges are not timely paid.

I, Terry James , the undersigned Housing Inspector, City of Cincinnati Department of Buildings & Inspections, inspected the subject premises and attest that the facts set forth in this Notice of Civil Offense and Fine are true.

Terry James Badge # 34 Date 09/01/20 Time: 09:00 A.M. P.M.
Inspector



VIOLATION LISTING:

Case Number: B201908304

January 17, 2020

1 VACATE THE BUILDING

Vacate 621 Delhi Ave, as building is unsafe for any occupancy. Building is defective for, but not limited to, these listed defects: the left side, rear framed constructed portion of the building, is in a state of structural failure. Support framing is rotted and collapsing; sills, plates, joists, beams and posts have rotted away and the attempted shoring of these structural members is inadequate, undersized and unapproved. The exterior wall envelope in this building section is incomplete and open to weather and water penetration; floors have sagged, walls have cracked, ceilings have failed and doors and windows are racked and inoperable, leaving required housing conditions compromised and unsafe and below the occupancy standards of CBC 1117 and 1101-65.

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CBC SECTION: 1101-65 Vacations and barricades:

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NOTE: Tenants occupying this dwelling may qualify for relocation assistance and/or help with finding and moving to decent, safe and sanitary housing. Tenants may call #513-352-5291, for further information on assistance currently available.



Payment and Hearing Request Sheet

Case # -B201908304

September 1, 2020

You have been charged with a civil violation of the Cincinnati Municipal Code.

Please be advised:

- 1. THIS IS NOT A WARNING**
- 2. ALL FINES DOUBLE** if not paid or a written answer is not filed within 168 hours (7days)
3. Failure to timely answer this Notice of Civil Offense will be considered an admission of the violation and all available collection remedies and costs of collection may be pursued in that event.
- 4. You will be charged a \$75. fee for this hearing request.**

You must do one of the following within 168 hours (7days) or THE FINE WILL DOUBLE. Please place an X in the appropriate box and sign and date the notice below.

- A. ☐ **PAY THE FINE.** Mail a check or money order made payable to the Treasurer, City of Cincinnati, for the payout amount listed on the first page of this notice along with a copy of the notice.
- B. ☐ **REQUEST A FORMAL HEARING BEFORE A HEARING EXAMINER.** If you dispute the Notice of Civil Offense & Civil Fine or have any questions or concerns regarding the Notice of Civil Offense & Civil Fine you may schedule a hearing. After your request for a hearing is received you will be notified by mail of your hearing date and time. All hearings are held in person at the OAH office. Failure to appear at a requested hearing will be considered an admission of the civil offense. **HEARINGS ARE NOT SCHEDULED BY TELEPHONE.**
- C. ☐ **REQUEST A CURE CREDIT.** If you admit the violation that is the basis of the Notice of Civil Offense & Civil Fine and you have corrected that violation, you may request a 50% reduction in your fine if your Notice of Civil Offense & Civil Fine is marked as Reducible and you have corrected the violation. To request a cure credit, please submit a written request admitting the violation along with proof that the violation has been corrected. Your request must also include your name and address, the address where the violation occurred and the Notice of Civil Offense Number

X _____ Date _____
Signature

Correspondence or Payments should be submitted to:

Office of Administrative Hearings
Two Centennial Plaza
805 Central Avenue, Suite 110
Cincinnati, Ohio 45202

To obtain additional information please contact the Office of Administrative Hearings at
(513)352-4899, oah@cincinnati-oh.gov
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JOHN JENNAGANS LLC
C/O JOHN KLOSTERMAN
621 DELHI PIKE
CINCINNATI OH 45204

PERSON CHARGED: JOHN JENNAGANS LLC
Case Number: B201908304

Subject Property: 621 DELHI AV
BPP: 015300010003

NOTICE OF CIVIL OFFENSE AND CIVIL FINE

NOTICE DATE: September 01, 2020

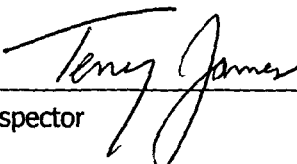
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Case: 1:20-cv-00112-JSD-KEL Doc #: 34-1 Filed: 08/01/20 Page: 14 of 17 PAGEID #: 741

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5615 SIDNEY RD
CINCINNATI, OH 45238

Re:621 DELHI AV

BPP: 015300010003

NOTICE OF VIOLATION

Case number: B202004576

NOTICE DATE- October 30, 2020

To: JOHN JENNAGANS LLC,

This letter is a notice of violation and order issued pursuant to 1101-61 Cincinnati Building Code (CBC). Each code violation in the attached **violation listing** includes the action necessary to correct the violation. Unless otherwise specified in a violation, you are required to make the noted corrections by November 30, 2020. **Please call 352-3968, between 8:00 to 10:00 a.m., or e-mail: matthew.flannery@cincinnati-oh.gov, to acknowledge receipt of this notice and ask questions.** If I do not hear from you within ten days of the date of this notice, a copy of this notice will be posted on the structure. Failure to correct the noted defects within the time specified could result in civil or criminal enforcement actions. All repairs, except minor repairs and decorating, require permits. Permits may be obtained at 805 Central Avenue, Suite 500, Cincinnati, Ohio 45202.

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Sincerely,


Matt Flannery

For District Inspector

matthew.flannery@cincinnati-oh.gov


E. Cunningham, OBBS Certified Building Official

Cert#310

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VIOLATION LISTING

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October 30, 2020

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621 DELHI PIKE
CINCINNATI OH 45204

Re:621 DELHI AV

BPP: 015300010003

NOTICE OF VIOLATION

Case number: B202004576

NOTICE DATE- October 30, 2020

To: JOHN JENNAGANS LLC,


This letter is a notice of violation and order issued pursuant to 1101-61 Cincinnati Building Code (CBC). Each code violation in the attached **violation listing** includes the action necessary to correct the violation. Unless otherwise specified in a violation, you are required to make the noted corrections by November 30, 2020. **Please call 352-3968, between 8:00 to 10:00 a.m., or e-mail: matthew.flannery@cincinnati-oh.gov, to acknowledge receipt of this notice and ask questions.** If I do not hear from you within ten days of the date of this notice, a copy of this notice will be posted on the structure. Failure to correct the noted defects within the time specified could result in civil or criminal enforcement actions. All repairs, except minor repairs and decorating, require permits. Permits may be obtained at 805 Central Avenue, Suite 500, Cincinnati, Ohio 45202.

You have a right to appeal certain orders under Section 1101-83 CBC within 30 days of the date of this notice. Appeals must be filed on the appeal application form; be accompanied with the filing fee; state the grounds for the appeal; and be filed with the Secretary of the Board of Housing Appeals at 805 Central Avenue, Suite 500, Cincinnati, Ohio 45202 (an appeal of an order to vacate a property is filed with the Secretary of the Board of Building Appeals, 805 Central Avenue, Suite 500, Cincinnati, Ohio 45202). Existing painted surfaces disturbed, if any, while performing this work may contain lead. To learn more about lead hazards go to EPA website: <http://epa.gov/lead/pubs/leadinfo.htm#facts>, or contact the Cincinnati Health Department at 357-7420.

The City of Cincinnati has enacted various codes that regulate housing standards and property maintenance throughout the City. Maintaining our homes and properties ensures the availability of decent and safe housing, contributes to an improved quality of life for all residents, and leads to an increase or stabilization of property values. Your cooperation in correcting these violations will assist the City of Cincinnati in maintaining quality housing and property conditions in your neighborhood.

Sincerely,

Matt Flannery
District Inspector
matthew.flannery@cincinnati-oh.gov



E. Cunningham, OBBS Certified Building Official

Cert#310

DocID-CODE6208V

B202004576



VIOLATION LISTING

NOTE: Contractors hired to complete this work must be registered with the City of Cincinnati. See the City of Cincinnati Website (<http://www.cincinnati-oh.gov/bldginsp/pages/-17928-/>), or call 352-3271, for more information.

October 30, 2020

INSPECTION FEES CHARGED- Notices of Violation issued after July 1, 2018, are subject to inspection fees pursuant to CMC Section 1101-64. Failure to correct the following violations within the time specified in this notice subjects the premises to an escalating quarterly inspection fee for each quarter the premises remains non-compliant. Unpaid fees may be assessed to the property tax bill for the premises and collected along with the biannual property taxes due.

1: VACATE THE BUILDING

Vacate 621 Delhi Ave, as building is unsafe for any occupancy. Building is defective for, but not limited to, these listed defects: the HVAC equipment is defective and installed in an unapproved manner, the left side, rear framed constructed portion of the building, is in a state of structural failure. Support framing is rotted and collapsing; sills, plates, joists, beams and posts have rotted away and the attempted shoring of these structural members is inadequate, undersized and unapproved. The exterior wall envelope in this building section is incomplete and open to weather and water penetration; floors have sagged, walls have cracked, ceilings have failed and doors and windows are racked and inoperable, leaving required housing conditions compromised and unsafe and below the occupancy standards of CBC 1117 and 1101-65

You are ordered to vacate the building and keep it vacant until brought into compliance with the applicable provisions of the CBC and restored to a safe and sanitary condition.

CBC SECTION: 1101-65 Vacations and barricades:

The director of buildings and inspections shall be authorized to order any building or portion of any building vacated, or if it is vacant to remain vacated for one or more of the reasons set out below.

1101-65.1.1 Code violations: When a building is occupied, or any work, operation or construction is performed therein or thereon in violation of any of the provisions of this Code.

1101-65.1.2 Unsafe or unsanitary building: When in the opinion of the Director of Buildings and inspections the building is unsafe or unsanitary.

1101-65.1.3 Noncompliance: When the owner, agent, or tenant fails or refuses to comply with any lawful order issued by the director of buildings and inspections.

NOTE: Tenants occupying this dwelling may qualify for relocation assistance and/or help with finding and moving to decent, safe and sanitary housing. Tenants may call #513-352-5291, for further information on assistance currently available.

